

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JONATHAN STEELE : CIVIL ACTION  
ON BEHALF OF THE UNITED STATES :  
OF AMERICA :  
 :  
 :  
v. :  
 :  
 :  
ARAMARK FOOD SERVICE CORP., et al. : NO. 07-2664

M E M O R A N D U M

BAYLSON, J. JULY , 2007

Plaintiff, an inmate, is seeking to bring a civil action without prepayment of fees. Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

There are no allegations in plaintiff's complaint that would suggest that he was in imminent danger of serious physical injury at the time that this action was filed. Furthermore, prior to the filing of the instant case, plaintiff filed numerous civil actions in the United States District Court for the Middle District of Florida. In three of the cases filed in that Court, Civil Action Nos. 04-Civ-432-J-20TEM, 06-Civ-1354-Orl-18KRS and 06-Civ-1475-Orl-28JGG, the Court found that the dismissal in 98-208-Civ-Oc-10A filed in the Ocala Division of the District Court and case numbers 97-3407 and 99-14360 filed in the Eleventh

Circuit Court of Appeals constituted plaintiff's three strikes under § 1915(g). Accordingly, plaintiff's motion to proceed in forma pauperis will be denied.

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O R D E R

AND NOW, this            day of July, 2007, in accordance  
with the accompanying memorandum, **IT IS HEREBY ORDERED** that:

1. Plaintiff's motion for leave to proceed in forma pauperis is **DENIED** pursuant to 28 U.S.C. § 1915(g);

2. The Clerk of Court shall mark this case **CLOSED**  
statistically.

**BY THE COURT:**

/S/ MICHAEL M. BAYLSON, J.